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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/041,031	01/07/2002	Daniel M. Lewin	12293.69	2631
20873	7590	03/25/2005	EXAMINER	
LOCKE LIDDELL & SAPP LLP ATTN: SUE COTT 2200 ROSS AVENUE SUITE 2200 DALLAS, TX 75201-6776			SCUDERI, PHILIP S	
			ART UNIT	PAPER NUMBER
			2153	

DATE MAILED: 03/25/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/041,031

Applicant(s)

LEWIN ET AL.

Examiner

Philip S. Scuderi

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 07 January 2002.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-10 is/are rejected.
- 7) ☒ Claim(s) 1,4,7,8 and 10 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 07 January 2002 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Drawings

1. Figures 1 and 2 should be designated by a legend such as --Prior Art-- because only that which is old is illustrated. See MPEP § 608.02(g). Corrected drawings in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.121(d)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.
2. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they do not include the following reference sign(s) mentioned in the description: 116. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

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3. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they include the following reference character(s) not mentioned in the description: 112, 115, 315, and 325. Corrected drawing sheets in compliance with 37 CFR 1.121(d), or amendment to the specification to add the reference character(s) in the description in compliance with 37 CFR 1.121(b) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Specification

4. The disclosure is objected to because of the following informalities: "component of business process" on page 2 line 15. Examiner suggests "component of business processes". Appropriate correction is required.

5. The disclosure is objected to because of the following informalities: "distributing these application" on page 2 line 21. Examiner suggests "distributing these applications". Appropriate correction is required.

6. The disclosure is objected to because of the following informalities: "seamlessly delivery" on page 3 line 10. Examiner suggests "seamlessly deliver". Appropriate correction is required.

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7. The disclosure is objected to because of the following informalities: “it is known in the art to delivery” on page 7 line 7. Examiner suggests “it is known in the art to deliver”. Appropriate correction is required.

8. The disclosure is objected to because of the following informalities: “hosting and server ICDN content” on page 9 line 8. Examiner suggests “hosting and serving ICDN content”. Appropriate correction is required.

9. The disclosure is objected to because of the following informalities: “centrol office” on page 10 line 3. Examiner suggests “central office”. Appropriate correction is required.

10. The disclosure is objected to because it contains an embedded hyperlink and/or other form of browser-executable code. Applicant is required to delete the embedded hyperlink and/or other form of browser-executable code. See MPEP § 608.01.

11. The attempt to incorporate subject matter into this application by reference to IETF Internet Draft titled “Requirements for Surrogates in the HTTP” is improper because the URL is invalid.

Claim Objections

12. Claim 4 is objected to because of the following informalities: “at least surrogate origin server” on line 1. Examiner suggests “at least one surrogate origin server”. Appropriate correction is required.

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13. Claim 10 is objected to because of the following informalities: "at least ICDN-aware server" on line 5. Examiner suggests "at least one ICDN-aware server".

Appropriate correction is required.

14. Claim 7 is objected to because it is identical to claim 6.

Claim Rejections - 35 USC § 112

15. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

16. Claims 1, 8, and 10 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

17. Claims 1 and 8 recite the limitation "a preferred enterprise CDN region that is likely to host the given Internet content" in lines 7-8 and 8-9 respectively which renders the claims indefinite. It is unclear whether or not the preferred enterprise CDN region hosts the given Internet content.

18. Claims 1, 8, and 10 recite the limitation "the enterprise" in lines 7, 7-8, and 8 respectively. There is insufficient antecedent basis for this limitation in the claims.

Claim Rejections - 35 USC § 103

19. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

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(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

20. Claims 1, 2, and 4-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cohen et al. (US 6,389,462, hereinafter "Cohen").

21. With respect to claim 1, discloses a method operative in an Internet content delivery network (ICDN) (fig. 1) having a set of content servers organized into regions (fig. 1 #110, 115) and that provides delivery of Internet content on behalf of participating content providers (col. 7 lines 12-22), comprising:

establishing a set of one or more enterprise CDN regions (fig. 1 #110, 115), wherein each enterprise CDN region has one or more surrogate origin servers (fig. 1 #110, 115);

responsive to a request for given Internet content originating from an end user within the enterprise, mapping the end user to a preferred CDN region that is likely to host the given Internet content (col. 7 lines 12-19); and

serving the given Internet content from the preferred enterprise CDN region (col. 7 lines 18-19).

Cohen does not expressly disclose that the one or more enterprise CDN regions are located within an enterprise firewall. However, Cohen discloses that it was well known in the art to configure a network region behind a firewall (col. 1 lines 30-35). It would have been obvious to one of ordinary skill in the art to establish the one or more enterprise

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CDN regions within an enterprise firewall. The motivation for doing so would have been to filter information traveling into and out of the enterprise CDN regions.

22. With respect to claim 2, Cohen discloses the method applied to claim 1. Cohen further discloses the step of importing control data from the Internet content delivery network (ICDN) (fig. 1) into the enterprise CDN regions to determine how the given Internet content is to be handled on the surrogate origin servers within the enterprise CDN region (col. 7 lines 12-19, A request redirected to a proxy cache is control data that determines how the given Internet content is to be handled.).

23. With respect to claim 4, Cohen discloses the method applied to claim 1. Cohen further discloses that at least one surrogate origin server in at least one enterprise CDN region also serves internal enterprise content (Applicant defines an enterprise as “any cognizable legal entity” (Spec p. 7 lines 5-6) which reads on any country’s backbone network. Therefore, almost any given data could be considered internal enterprise content provided the user is located in the same country as the CDN region, which is clearly frequently the case.).

24. With respect to claim 5, Cohen discloses the method applied to claim 4. Cohen further discloses including the step of publishing the internal enterprise content to the enterprise CDN region from a given location in the enterprise (col. 7 lines 27-31).

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25. With respect to claims 6 and 7, Cohen discloses the method applied to claim 1.

Cohen further discloses an enterprise CDN region identified using a public IP address space (col. 11 lines 9-15, public IP address 135.104.25.31).

26. With respect to claim 8, Cohen discloses a method operative in an Internet content delivery network (ICDN) (fig. 1) having a set of content servers organized into regions (fig. 1 #110, 115) and that provides delivery of Internet content on behalf of participating content providers (col. 7 lines 12-22), comprising:

establishing a set of one or more enterprise CDN regions (fig. 1 #110, 115), wherein each enterprise CDN region has one or more servers (fig. 1 #110, 115) and is identified by a public IP address (col. 11 lines 9-15, public IP address 135.104.25.31);

responsive to a request for given content originating from an end user within the enterprise, mapping the end user to a preferred enterprise CDN region that is likely to host the given Internet content (col. 7 lines 12-19), wherein the given content is Internet content that has been tagged for delivery by at least one participating content provider (col. 7 lines 27-31, Storing a requested object in a proxy cache is tagging it for delivery.); and

Cohen does not expressly disclose that the one or more enterprise CDN regions are located within an enterprise firewall. However, Cohen discloses that it was well known in the art to configure a network region behind a firewall (col. 1 lines 30-35). It would have been obvious to one of ordinary skill in the art to establish the one or more enterprise CDN regions within an enterprise firewall. The motivation for doing so would have been to filter information traveling into and out of the enterprise CDN regions.

27. With respect to claim 9, Cohen in view of Rekhter teach the method applied to claim 8. Proxy cache 115 is an ECDN server because it serves data to an enterprise (Applicant defines an enterprise as “any cognizable legal entity” (Spec p. 7 lines 5-6) which reads on any country’s backbone network. Therefore, almost any given data could be considered enterprise content, making proxy cache 115 an ECDN server.). Furthermore, proxy cache 115 is ICDN-aware because it serves Internet content and has a public IP address.

28. With respect to claim 10, Cohen discloses a method operative in an Internet content delivery network (ICDN) (fig. 1) having a set of surrogate origin servers (fig. 1 #110, 115) that provide delivery of Internet content on behalf of participating content providers (col. 7 lines 12-22), comprising:

providing at least one ICDN-aware server (fig. 1 #110-1, proxy cache 115 is ICDN-aware because it serves Internet content (col. 7 lines 18-19).).

Cohen does not expressly disclose that the at least one ICDN-aware server is located within an enterprise firewall. However, Cohen discloses that it was well known in the art to configure a network region associated with a server behind a firewall (col. 1 lines 30-35). It would have been obvious to one of ordinary skill in the art to locate at least one ICDN-aware server within an enterprise firewall. The motivation for doing so would have been to filter information traveling into and out of the at least one ICDN-aware server. Cohen further discloses the method comprising:

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associating the at least one ICDN-aware server with a public IP address (public IP address 135.104.25.31) irrespective of its location within the enterprise firewall (col. 11 lines 9-15);

responsive to a request for a given Internet content originating from an end user within the enterprise, selectively mapping the end user to the ICDN-aware server to enable the end user to attempt to retrieve the given Internet content (col. 7 lines 12-19); and

serving the given Internet content from the ICDN-aware server (col. 7 lines 18-19).

29. Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Cohen in view of Choquier et al. (US 5,774,668, hereinafter "Choquier").


30. With respect to claim 3, Cohen discloses the method applied to claim 1. Cohen discloses that the proxy redirector may select a proxy cache based on a load balancing algorithm. Cohen is silent with respect to how the proxy redirector obtains the load balancing data. It was well known in the art to provide a load balancing node with state data, as evidenced by Choquier. In a similar art, Choquier discloses providing a load balancing node with state data (col. 10 lines 45-48). Given the teachings of Choquier it would have been obvious to one of ordinary skill in the art to export state data from one or more of the enterprise CDN regions to the ICDN so that the load balancing node could distribute the load accordingly (col. 10 lines 28-29).

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Conclusion

31. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.
32. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Philip S. Scuderi whose telephone number is (571) 272-5865. The examiner can normally be reached on Monday-Friday 8am-5pm.
33. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Glenton B. Burgess can be reached on (703) 305-4792. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.
34. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

PSS


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